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## TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT

Docket Number (Optional) MERCK-3110

In re Application of: Peer KIRSCH et al.

Application No. 10/558,205 Filed: November 25, 2005

For: LIQUID-CRYSTALLINE COMPOUNDS

The owner, MERCK PATENT GmbH, of Germany. assignee of the entire right, title and interest an assignment document recorded on November 25, 2005 (Reel 018169/Frame 0224) in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 7,189,440. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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The undersigned is an attorney of record.

8/28/2007 Date

Signature

Brion P. Heaney, Reg. No. 32,542

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